

Supreme Court of Florida

THURSDAY, OCTOBER 5, 2023

Christian Cruz,
Appellant(s)

SC2021-1767
Lower Tribunal No(s).:
642013CF102943XXXADL

v.

State of Florida,
Appellee(s)

Appellant's "Motion for Rehearing" is hereby denied.

MUÑIZ, C.J., and CANADY, COURIEL, GROSSHANS, and FRANCIS, JJ., concur.

LABARGA, J., dissents with an opinion.

SASSO, J., did not participate.

LABARGA, J., dissenting.

Given my fundamental disagreement with the majority's view that the conformity clause prohibits proportionality review in death penalty cases, I dissented to the majority's decision to expressly disavow relative proportionality review in *Cruz v. State*, 48 Fla. L. Weekly S140 (Fla. July 6, 2023).

As such, I would vote to grant rehearing.

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John A. Tomasino

Clerk, Supreme Court

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SO

Served:

CapAppeals Attorney General TLH

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